



THE HISTORIC HECKER-SMILEY MANSION

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Re: Haddad vs. Indiana Pacers, et al.

Dear Counsel:

Enclosed please find a copy of Plaintiff expert reports of Guy Hostetler and B. Michael Grant relative to the above-entitled matter.

Very truly yours,

L. S. CHARFOOS

:pac
Enclosures

May 4, 2006

LARRY CHARFOOS, ESQ
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JUL 10 2006

RE: Charlie Haddad
D.O.R.: 10/10/05
Counselor: GUY HOSTETLER
Our File No: 50106342

VOCATIONAL OPINION

OVERVIEW

I met with Mr. Charlie Haddad and his father, Frank, on two occasions, October 28, 2005 and February 7, 2006 respectively. I met with Mr. Haddad to assess his current employability and ability to earn wages regarding the injury he sustained on November 19, 2004, where he was struck in the head at the Palace of Auburn Hills' Piston Game.

SOURCES/DOCUMENTS REVIEWED

10/28/05	Face-to-face evaluation.
02/07/06	In person evaluation while observing Mr. Haddad in his work environment.
10/28/05	Vocational Testing, including Wide Range Achievement Test 3 (tan) Career Ability Placement Survey and Career Assessment Inventory. Pontiac Osteopathic Hospital Medical Center Emergency Dept. Notes.
3/15/05	Neuropsychological Evaluation Dr. Bradley G. Sewick.
2006	Michigan Occupation Information System.
2006	ONET.
2006	Occupational Outlook Handbook.

BACKGROUND INFORMATION

Name: Charlie F. Haddad
S.S.#: XXX-XX-3150
D/O/B: 8/7/83 (Currently 22 years old)
Address: 9538 East Road, Burton, MI 48417
Marital Status: Single

Dependents: None
Current Sources of Income: Part-time employment
Valid MI Driver's License: Yes
Dependable Transportation: Yes
Military: No
US Citizen: Yes
Felonies: None

EDUCATIONAL HISTORY

Education: Completed 11th grade.
Special Ed: Speech
Note: Mr. Haddad states he was president of his high school class.
Trade/Business Schools: Mr. Haddad attended special training for Dish Network installation and sales, as well as ongoing training for cellular phone sales.
Occupational Licenses/
Certifications: Mr. Haddad possesses no official occupational licenses and/or certifications. He does possess industry certifications for Dish Network, cellular phones, installation, and sales.
Computer Literate: Yes
Home Computer: Yes
Internet Access: Yes
Note: Mr. Haddad does have an understanding of how computers work and uses them on a daily basis when he works.

EMPLOYMENT HISTORY

2002 – Present **Platinum Cell Phone Store/Family Convenience Store/Gas Station**
Duties: Prior to Mr. Haddad's injury, he worked for the family store for a number of years, starting out performing stock duties and was groomed to operate the business with father. During the year prior to his injury, he was the manager of the store. This store provides a number of services, including the sale of gas, liquor, sundries, beer, wine, pop, milk, deli foods, pizza and cellular phones. Mr. Haddad's strength was multi tasking and he excelled in the cell phone business. Mr. Haddad would start his morning by arriving at the store between 7:30 AM and 8:00 AM to make pizza dough, prepare the needed topping supplies for the pizzas, as well as stock

and clean. Business would pick up approximately 11:00 AM, with pizza orders, customers coming in for phone service, gas and sundries. Mr. Haddad indicates that before the injury, he had one or two people helping him, and now there may be three, four or even five assisting because of his injury, depending upon his ability to function. It depends upon his ability to function. He now has someone coming in to stock for him, and another helping with the pizza. His parents help with the cashiering, liquor and supervision duties. He has two to three people helping him with the cellular phones.

Mr. Haddad used to work at the store anywhere between 10 and 12 hours a day, six days per week. He was the overall manager prior to the injury. Mr. Haddad says now on a bad day 3 hours exhausts him.

I have observed Mr. Haddad in this very busy work environment. Mr. Haddad becomes easily frustrated, overwhelmed and uncertain. Currently, much of his time is spent with the cellular phone business, which is now separated from the convenience store by a wall and doors. Even then, I observed Mr. Haddad having problems keeping calls straight while speaking with me. While talking to Mr. Haddad in the store, his memory problems were evident, given that twice within a half hour period, he was repeating himself to me about his headaches and how they have changed.

In the past, Mr. Haddad has performed simultaneously cashier, sales, stock, ordering, food prep, cooking, and cleaning duties. The sales area covered cellular phones, deli foods, sundries, beer, wine, alcohol, etc.

MEDICAL BACKGROUND

D/O/I: 11/19/04

Injury: Symptomology of Migraines, fatigue, photophobia, audio problems, vestibular problems, and short term memory problems. He is somewhat more edgy and easy to anger. He has even gone so far as to have anger problems with his customers, which is something that he had never experienced prior to the injury.

Limitations: Mr. Haddad indicates that he is no longer able to perform the physical activities he had done before, such as stocking the store. He has problems keeping things straight within the store, which I

observed as being a very busy place. Mr. Haddad was asked to have conversations with customers, listen to the telephone, and answer my questions. Mr. Haddad did his best to concentrate and discuss things with me; however, he was letting things with customer's slide, which in a retail environment is detrimental to the business. These problems are very common according to Mr. Haddad's parents and outside of his current family employment environment would lead to his discharge.

Treating Physician:

Dr. Kramer
University Closed Head Clinic

Self Analysis of Recovery:

Mr. Haddad believes that he can only work part-time. In my observation I do not believe that Mr. Haddad could work outside of the family business.

Return To Work Date:

Mr. Haddad indicates that he has always been trying to work, however, he has not been successful.

Medications:

Ambien, Xanax, Topamax and Imitrex. As of 2/7/06, medications include: Topamax, Sinequan, Imitrex, Indocin, Phenergan, and kelaxin.

3/15/05

Dr. Bradley Sewick, "He demonstrated impairments... in areas of abstraction, judgment and higher level novel problem solving requiring spontaneous cognitive set shifting with evidence of executive function impairment. For example, on the Wisconsin Card Sorting Test, he was only able to complete three of the categories and he generated 34 perseverative errors."

"He does appear to be experiencing difficulties in intellectual functioning secondary to problems in the areas of abstraction, executive functions, judgment and attentional capacities in particular."

"When last seen, the patient had attempted to return to work, but could not effectively function because of his persistent symptoms. He was previously very active and enjoyed his work as well as sports related activities and working out. He has not been able to resume those activities."

"He was experiencing ongoing difficulties with sleep and daily headaches that could be very limiting. He has great difficulty with

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depression, irritability, mood regulation and fatigue. I do think that he may be able to benefit from additional rehabilitation and intervention, including psychotherapy, psychiatric evaluation and treatment."

MEDICAL SUMMARY AND RECOMMENDATIONS

"Results of this comprehensive neuropsychological examination indicate that Mr. Haddad's overall level of psychological test performance falls within the organically impaired range when objective methods of classification are utilized..."

ACTIVITIES OF DAILY LIVING

Mr. Haddad indicates that he now works between 3 to 6 hours a day, depending upon the severity of his symptomology. In the past, he used to work between 10 and 12 hours a day. He lives with his parents and has never had to do the grocery shopping, etc. He performs minor chores around the house. He did perform most of the chores around the store, including sweeping outside.

Past hobbies, which he can no longer participate in or finish a game, are sports and chess.

Mr. Haddad indicates that without medication, he has significant problems sleeping. Mr. Haddad used to be active in sports, however can no participate due to the sound and movement; which causes significant head pain.

VOCATIONAL TESTING

WIDE RANGE ACHIEVEMENT TEST (WRAT3): (Tan)

	RAW SCORE	STANDARD SCORE	PERCENTILE	GRADE EQUIVALENT
Reading	33	69	2	Fourth
Arithmetic	37	89	23	Seventh

CAREER ABILITY PLACEMENT SURVEY (CAPS):

A CAPS profile is based on stanine scores. Stanines are scores which run from 1 to 9. On any one test, a score of 9 represents the highest possible score, and a stanine of 1, the lowest possible score. A stanine of 5 will show middle or average ability.

Mr. Haddad's ability test scores are as follows:

	STANINE	PERCENTILE
Mechanical Reasoning	2	8
Spatial Relations	6	68
Verbal Reasoning	2	8
Numerical Ability	1	2
Language Usage	1	2
Word Knowledge	1	2
Perceptual Speed/Accuracy	2	8
Manual Speed & Dexterity	3	17

Note: Mr. Haddad was complaining of head pain during the testing, which could affect these results.

Of the fourteen areas where Mr. Haddad's abilities are compared against the abilities of other people working in specific areas, he was found to match in Technology Skilled, Consumer Economics, Outdoor, and Service Skilled.

CAREER ASSESSMENT INVENTORY (CAI):

	STANDARD SCORE	INTEREST LEVEL
Realistic Theme	50	Average
Investigative Theme	64	High
Artistic Theme	56	Average
Social Theme	62	High
Enterprising Theme	63	High
Conventional Theme	57	Average

Basic Interest areas: Teaching, Medical Service, Clerical Clerking, and Child Care.

More specifically, Mr. Haddad's interests match those of a Physical Therapy Assistant, Pharmacy Technician, Radiological Technician, Respiratory Therapy Technician, Licensed Practical Nurse, and/or Teacher's Aide.

VOCATIONAL ASSESSMENT AND OPINION

Due to Mr. Haddad's injuries, he stated, and I have observed, that he is restricted in his physical ability to function by fatigue, headaches, and the amount of noise, light and distraction.

Psychosocially, Mr. Haddad is restricted by his short-term memory problems, his emotional problems (uncertain of himself and angry), becoming easily distracted and or confused, and the inability to stay focused or remain on task. This is supported by Dr. Sewick's diagnosis, as well as my observation of him within his working environment.

Regarding employment, Mr. Haddad has always worked at his family store and had risen to retail management. Mr. Haddad was managing various departments, including the gas station, liquor store, sundries, beer and wine area, food service area and cellular phone department. Mr. Haddad has attempted to return to his previous duties, only to fail. Mr. Haddad could not work the required hours, was making mistakes at the cash register, could not remember orders or keep the checkbook balanced due to the multi-tasking involved. Mr. Haddad has since returned to work on a limited basis, specializing in the cellular phone business. Mr. Haddad still has problems with multi-tasking, and has two to three people who will help him. I observed him forgetting the name of one of his regular customers whom he had promised to obtain a new accessory for his phone.

Mr. Haddad fails at multi-tasking. I do not believe that he is capable of work as a Manager or even Assistant Manager and he will continue to fail as he has in the past when placed in this environment due to his injury. Mr. Haddad is only suited to an environment where multi-tasking is not a constant and repetitive factor. Mr. Haddad may work as a Cashier (providing this is a single task) with a mean hourly salary of \$7.18/hr, a median hourly salary of \$7.78/Hr and a mean annual salary of \$16,180 (2003). These positions rarely are full-time and do not have benefits.

Prior to the injury, Mr. Haddad had an earnings capacity, as a retail manger/self-employed store owner. According to ONET On-Line, in 2003 dollars, Supervisors/Managers of first line retail sales workers was \$15.18/Hr or \$31,570/per year. The US Department of Labor Bureau of Labor Statistics, November 2004 Saginaw Metropolitan Statistical area reports, first line supervisors and managers of retail sales workers had a median hourly income of \$14.69/Hr, a mean hourly income of \$16.17/Hr, and a mean annual income of \$33,630.

According to the Bureau of Labor Statistics Occupational Outlook Handbook for Sales Workers Supervisors May 2004, the middle 50% earned between \$25,120 and \$43,110. The lowest 10% earned less than \$20,110 and the highest 10% earned more than \$58,400/Yr. It is my opinion that prior to Mr. Haddad's injury he had the earnings capacity, with in 5 years, of the upper 10% in his chosen career track., that being a self-employed retail store manager. The position of Assistant Managers and Managers are full-time, come with medical benefits, and a 401K at a minimum.

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After extensive research, I have been unable to locate information in regards to what a self-employed store owner may earn. I have been in contact with the Bureau of Labor Statistics and I have been advised that they do not keep such information. They keep information in relation to the tasks performed. As Retail Store mangers generally work for an owner it is my opinion that a person who combines the two would only earn more.

Mr. Haddad's minimum earnings prior to the injury would be in line with those of a GED recipient/High School Graduate. He was very close to obtaining a GED, before the injury and given his background in management would certainly have approximated those earnings.

Post injury, Mr. Haddad's earning capacity is limited to part-time (4 hours day, 5 days a week). If Mr. Haddad is employed outside of the family business, he will be the last hired and the first laid off. He will be unemployed 20% of the time.

Submitted by:



Guy A. Hostetler

M.A., C.R.C., C.D.M.S., A.B.D.A., D.A.B.F.C., L.P.C.

Vocational Rehabilitation Counselor

GH/ss